

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

ROBERT CLAUSS,

Plaintiff,

vs.

LEGEND SECURITIES INC.,

Defendant.

No. 13-cv-00381

NOTICE OF REMOVAL

Defendant Legend Securities, Inc. (“Legend” or “Defendant”) hereby notifies this Court that it is removing the above-captioned action currently pending in the District Court for Polk County, Iowa, to the United States District Court for the Southern District of Iowa, Central Division. In support thereof, Defendant states:

1. On or about July 24, 2013, Plaintiff commenced the above-entitled action against Defendant in the Iowa District Court in and for Polk County and is now pending therein as Case No. LACL128273.

2. The above-entitled action is a civil action in which Plaintiff asserts a claim for alleged violation of the federal Telephone Consumer Protection Act, pursuant to 47 U.S.C. § 227(b)(3), and related federal regulations.

3. On or about August 7, 2013, Plaintiff’s Original Notice and Petition at Law were served upon the Defendant.

4. This Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1331 and, therefore, it may properly be removed to this United States District Court pursuant to 28 U.S.C. § 1441(a).

5. This Notice is filed with this Court within thirty (30) days after service on the Defendant of the Petition in the above-entitled action.

6. Pursuant to 28 U.S.C. § 1446(a), copies of all process and pleadings which have been filed in this action to date are attached as Exhibit A, specifically including the Original Notice, Plaintiff's Petition at Law, and the state court docket sheet, which are hereby incorporated by this reference into this Notice. While Plaintiff has also served Defendant with a notice of intent to file for default (Exhibit B), Plaintiff has not filed any related motion or pleading. No other process, pleadings, or orders have been served on Defendant in connection with this action.

7. Pursuant to 28 U.S.C. § 1446(d), Defendant is giving written notice of this Notice of Removal to all parties to this litigation (Exhibit C), and a copy of this Notice of Removal is being filed with the Clerk of the District Court for Polk County, Iowa (Exhibit D). A Local Rule 81(a) Certification is attached hereto as Exhibit E.

WHEREFORE, Defendant gives notice of the removal of the above-entitled action from the Iowa District Court for Polk County to the United States District Court for the Southern District of Iowa, Central Division.

/s/ Christian P. Walk AT0009565
NYEMASTER, GOODE, WEST,
HANSELL & O'BRIEN, P.C.
700 Walnut Street, Suite 1600
Des Moines, Iowa 50309
Telephone: 283-3100
Facsimile: 283-8045
E-mail: cpwalk@nyemaster.com
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2013, a true copy of the foregoing instrument was served upon the following via U.S. Mail.

Robert Clauss
9923 Clark St.
Clive, Iowa 50325

/s/ Christian Walk